

# **Interoperability of Rules of Engagement in Multinational Maritime Operations**

Eric S. Miller

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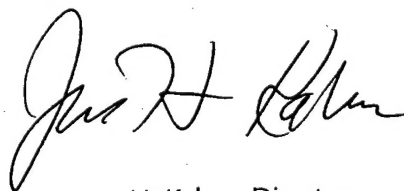
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Jerome H. Kahan, Director  
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REPORT DOCUMENTATION PAGE			Form Approved OMB No. 074-0188	
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1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE October 1995		3. REPORT TYPE AND DATES COVERED Final
4. TITLE AND SUBTITLE Interoperability of Rules of Engagement in Multinational Maritime Operations			5. FUNDING NUMBERS C - N00014-91-C-0002	
6. AUTHOR(S) ES Miller				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Center for Naval Analyses 4401 Ford Avenue Alexandria, Virginia 22302-1498			8. PERFORMING ORGANIZATION REPORT NUMBER CRM 95-184	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)			10. SPONSORING / MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Distribution unlimited			12b. DISTRIBUTION CODE	
13. ABSTRACT ( <i>Maximum 200 Words</i> ) In the post-Cold War world, with defense downsizing, nations are likely to work together at sea. One particularly difficult challenge in multinational maritime operations is overcoming differences in Rules of Engagement (ROE). ROE address when, where, against whom, how, and how much force can be used. The varying capabilities, doctrine, political objectives, security interests, civil-military relations, and cultures of the members of multinational operations affect ROE. This paper outlines some common principles, problems, and procedures for reducing the risks of ROE incompatibility and increasing ROE interoperability in multinational maritime operations. The goal of ROE interpretability is to improve the ability of multinational forces to function together safely, effectively, and strategically by ensuring uniform actions and uniform understanding. This paper suggests steps that could foster ROE interoperability and could be taken in advance of real-world contingencies.				
14. SUBJECT TERMS communications, international, international relations, interoperability, joint military activities, Naval operations, policies, ROE (rules of engagement), SOP (standard operating procedures, United Nations			15. NUMBER OF PAGES 54	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT	



# CENTER FOR NAVAL ANALYSES

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November 2, 1995

## Memorandum for Distribution

Enclosed is a CNA research memorandum, *Interoperability of Rules of Engagement in Multinational Maritime Operations* (CRM 95-184). It was prepared by Eric Miller as a concept development effort, building on an earlier CNA study *Rules of Engagement in Maritime Coalitions: Final Briefing* (CAB 94-18), sponsored by OPNAV N3/N5. The earlier study focused on the problems and risks associated with divergent ROE in multinational operations. This new study takes a harder look at solutions for increasing ROE interoperability in multinational maritime operations. It suggests steps that could foster ROE interoperability in advance of real-world contingencies, whether within a regional context or on a global level.

The enclosed study also complements a recent CNA analysis for the Naval Doctrine Command, entitled *Analytical Framework for a Handbook on Multinational Maritime Operations* (CRM 95-119). That document provided analytical input for the draft *Multinational Maritime Operations Handbook* produced by the Naval Doctrine Command and disseminated at the Chief of Naval Operation's Thirteenth International Seapower Symposium (ISS). The concepts for ROE interoperability contained in the enclosed study could provide initiatives, issues, and action items for discussion at subsequent symposia or other appropriate regional or international fora. The study could also be useful to Navy planners in designing combined exercises or coalition operations.

CNA welcomes reactions and comments. Please contact Eric Miller at (703) 824-2430.

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Jerome H. Kahan, Director  
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## Summary

In the post-Cold War world, with defense downsizing, nations are likely to work together at sea. One particularly difficult challenge in multinational maritime operations is overcoming differences in Rules of Engagement (ROE). ROE address when, where, against whom, how, and how much force can be used. The varying capabilities, doctrine, political objectives, security interests, civil-military relations, and cultures of the members of multinational operations affect ROE.

This paper outlines some common principles, problems, and procedures for reducing the risks of ROE incompatibility and increasing ROE interoperability in multinational maritime operations. The goal of ROE interoperability is to improve the ability of multinational forces to function together safely, effectively, and strategically by ensuring uniform actions and uniform understanding.

This paper suggests steps that could foster ROE interoperability and could be taken in advance of real-world contingencies. Potential partners planning for or conducting multinational operations could:

- Develop a universal set of ROE (including self-defense ROE).
- Develop common mission-accomplishment ROE (i.e., supplemental measures, but not self-defense ROE).
- Look for ways to release parts of declassified national ROE.
- Make the differences between national ROE and those of the rest of the multinational force transparent.
- Use stationing and capability upgrades to plan around differences in national ROE and ensure mission and unit safety.
- Train and exercise ROE before and during multinational operations to minimize the effect of differences in ROE.

# Introduction

The question of how to tailor military force to achieve political objectives is continual.<sup>1</sup> No commander has perfect knowledge of the battlefield or his political leader's will. However, critical decisions have to be made—quickly, and often with incomplete or contradictory information. Rules of Engagement (ROE) are one relatively modern mechanism by which to link the political and military goals of a nation (or multinational force) with military operations, and, thereby, minimize “fog of war” problems.<sup>2</sup>

Multinational maritime forces, as all multinational forces, face many problems. To operate effectively and efficiently, procedures, communications, and command arrangements need to be aligned or closely coordinated. One of the most difficult challenges to be faced in this regard is incompatible ROE. Because ROE link national policies to military actions, achieving coordination is particularly difficult. ROE in multinational operations has become an issue of discussion between nations interested in participating in multinational operations.<sup>3</sup> This paper presents concepts for meeting this challenge.<sup>4</sup>

The core of ROE is a single and universal legal principle: use military force only in a justifiable manner. This principle applies to all nations

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1. The discussion of the political purposes of ROE is not intended to be exhaustive, but to provide a framework for general understanding.
  2. Clausewitz discusses the fog-type problems in his chapter entitled “Friction in War.” See Rapoport, Anatol, ed. *Clausewitz On War*. London: Penguin Books, 1976: 165.
  3. See *11th International Seapower Symposium: Report of Proceedings of the Conference 6–9 October 1991*. edited by John B. Hattendorf. Newport, RI: Naval War College Press, 1992; and *12th International Seapower Symposium: Report of Proceedings of the Conference 7–10 November 1993*. edited by John B. Hattendorf. Newport, RI: Naval War College Press, 1994.

(whether they use or do not use ROE), operating independently or in a multinational operation. In peacetime, force is justified only in self-defense, and in wartime or periods of prolonged hostilities (e.g., Vietnam), force is justified only as is necessary and proportional to accomplish military objectives. This paper limits the discussion of ROE to peacetime because peacetime ROE are the most commonly used, the most critical, and the most difficult in multinational maritime operations. Peacetime ROE cover the full spectrum of conflict just short of war.

The common objective of a multinational operation may succeed or fail on the basis of how well or how poorly ROE (whether an individual nation's or a multinational force's) are conceived, articulated, understood, and implemented by each member of the multinational operation. Having the operation's members break up because one member unnecessarily takes the first hit or shoots first is not in the common interest of a multinational operation.

This paper outlines some common principles, problems, and procedures for ROE interoperability in multinational maritime operations.<sup>5</sup> The goal of ROE interoperability is to improve the ability of multinational forces to function together safely, effectively, and strategically by ensuring uniform actions and uniform understanding.

We start with the basic principles (the purpose of and legal basis for ROE) that all nations share. These are the building blocks (i.e., the lowest common denominator) for ROE interoperability. We then dis-

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4. Plans are being made for the United States Government to distribute for comment a common doctrinal publication for multinational naval operations at the 13th International Seapower Symposium in November 1995. This document deals with ROE only generally. For the content of this discussion, see CNA Research Memorandum 95-119, *Analytical Framework for a Handbook on Multinational Maritime Operations*, by Michael Johnson, with Richard Kohout and Peter Swartz, Unclassified, forthcoming.
  5. This paper follows a CNA analysis of minimizing the risks of ROE in maritime operations. See CNA Annotated Briefing 94-18, *Rules of Engagement in Maritime Coalitions: Final Briefing*, by Timothy Carroll et al., Unclassified, October 1994.



cuss the problems that complicate ROE interoperability, and their consequences. The biggest problem by far—Hostile Intent—is not likely to be resolved soon, so we postulate *a priori* that each nation needs to maintain its right and responsibility to determine its self-defense ROE. However, the lack of a universal agreement on Hostile Intent and other self-defense issues does not preclude ROE interoperability. Finally, we present several procedures (or “work-arounds”) for ROE interoperability.

# Principles of ROE in multinational operations

## Purpose of ROE

The essential objective of ROE—whether in peacetime or wartime—is to help on-scene commanders decide when, where, against whom, how, and how much force to use.<sup>6</sup> Both “engagement” in rules of engagement, and “force” encompass many possible actions. ROE, then, apply to many actions, all of which have political implications. Because ROE are highly situational, they cover not just deadly force but also many other measures such as maneuvering, communications, electronic jamming, harassing, visual signals, and warning bursts.

ROE are used to deter war, isolate conflict, and prevent escalation to war.<sup>7</sup> ROE are guidance for the application of force based on the laws of war, political constraints, and the prerogative of the commander (or whoever is making the decision to use force).<sup>8</sup> In practical terms, ROE are directives issued by competent military or political authority of a nation (or a multinational force), which delineate the circumstances and limitations under which military forces will initiate or continue combat with other forces.

Written as directives, ROE are predetermined modes of action—based on policy and legal principles—to support objectives (national or multinational). The political leaders of a nation or a group of nations in a multinational force prepare, in general terms, the initial guidance for ROEs. Therefore, ROE are a statement of official policy.

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6. Scott D. Sagen “Rules of Engagement,” *Security Studies*, vol. 1, no. 1, Autumn 1991: 80

7. Drew A. Bennett and Anne F. MacDonald, “Coalition Rules of Engagement,” *JFQ*, Summer 1995: 124

8. The legal bases of ROE are discussed in appendix A.

In peacetime, the objective of ROE is to not use force (for example, not to shoot), unless no other option exists. No law-abiding nation wants to be viewed as an aggressor by precipitating conflict. Therefore, ROE also serve to prevent a potential enemy from being placed in a position of reacting in self-defense. If force is necessary, it should be proportional to the threat—use deadly force only to counter deadly force.

The decision whether to use force is not a simple one, but is biased by:

- Political policy
- Specific mission and task
- The target's or contact's identity, location, behavior, and perceived intentions
- The tactical environment, e.g., recent or concurrent battlefield experiences.

Successful ROE will combine military usefulness with political and legal acceptability.<sup>9</sup> In fact, three separate, and sometimes contradictory, criteria are involved in making the decision to use force or not to use force:

- *Political criterion*—Does the use of force meet or detract from the political objective of the mission?
- *Operational criterion*—Does the use of force meet the military objective of the mission?
- *Legal criterion*—Is the use of force lawful?

It is important to remember that the primary mission of a nation's military force is to support national policy. ROE serve that purpose. The interplay of policy (political and military) and ROE is very important. ROE identify and define the means by which political objectives can be pursued with military force in a given environment. When the

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9. Norman Friedman. "The Rules of Engagement Issue." *NATO's Maritime Strategy: Issues and Development*. ed., E. F. Guertz et al., Washington, DC: Pergamon-Brassey's, 1987: 29.

environment or political requirements change, ROE may have to change as well. ROE make political and military policy operational by:

- Defining the mission
- Defining success criteria
- Determining the force requirements
- Providing the authority to accomplish the mission.

Each threat has its own time cycle, and the speed necessary to implement ROE depends on that threat's imminence and the decision maker's own estimation of the risks.<sup>10</sup> The more grave the perceived threat, the more likely the decision will be to use force. In the time that "the shoot" decision has to be made—sometimes within seconds—and the person making that decision does not have the luxury to second guess every possibility. Also, because these are life and death issues, there is little room for mistakes.

ROE are not intended to be used as tactical instructions. ROE are written in the form of prohibitions or permissions. When written as prohibitions, ROE will be orders not to take certain designated actions. When issued as permissions, ROE will be guidance that certain designated actions may be taken if the on-scene commander judges them necessary or desirable to carry out the mission.

Finally, in peacetime, ROE are set in two categories: self-defense ROE, and mission accomplishment (i.e., supplemental measures). The most contentious issue in multinational operations is the self-defense category. The cardinal principles of self-defense in ROE are drawn from the Law of Armed Conflict (LOAC), and the United Nations Charter:

- *Necessity* – Resort to force must be based on an immediate danger, for example, a Hostile Act is committed or a Hostile Intent is demonstrated.

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10. *Who Goes There: Friend or Foe?* Office of Technology Assessment, Congress of the United States, Jun 1993: 36.

- *Humanity*—The threat must be military in nature. Force must be legitimately required to counter the threat, and inflicting suffering on noncombatants is forbidden.
- *Proportionality* – Force must be limited in intensity, duration, and magnitude to that reasonably required to counter the attack or threat of attack.

Appendix A provides more information on the legal basis of ROE.

Each nation's ROE state explicitly when and how the right of self-defense can or must be exercised. The differences in the interpretation of the "when?" and "how?" of self-defense (specifically, Hostile Intent) is the biggest point of debate in establishing a universal set of ROE in multinational operations. In general, European nations (as opposed to the United States) do not approve of ROE that allow the individual commander to assess Hostile Intent liberally and to have the freedom of action to open fire on a target in a situation short of war.<sup>11</sup>

## Why multinational maritime operations?

"Multinational" is a generic term to describe military operations conducted by two or more nations, whether organized bilaterally, regionally, globally, ad hoc, or through standing alliances. Multinational operations bring together disparate forces with widely differing traditions, capabilities, responsibilities, and policies on the use of force (i.e., ROE). Multinational forces can operate either as an integrated force or as aligned, but dispersed, forces.

Nations come together in multinational operations because of their own security interests, although the specific objectives do not necessarily have to coincide. International organizations often authorize operations in order to provide maximum unity of effort.

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11. CNA Research Memorandum 93-211, *Maritime Rules of Engagement: The European Perspective*, by Captain G.A.S.C. Wilson, Royal Navy (Ret.), Unclassified, July 1994: 37.

Multinational operations afford political legitimacy (e.g., through United Nations Resolutions), and can ease domestic objections to military operations. Partners in a multinational force also share operational burdens. Members of a multinational operation can provide each other with logistical, diplomatic, intelligence, and economic support. In the current security environment, as national force levels reduce, navies will need to work more closely in crises and share more of the burden in conducting mission-essential operations.

In a multinational operation of aligned but dispersed forces, ROE guide the employment of the forces of an individual members; or if the multinational forces are integrated, ROE apply to two or more nations in coordinated action. It is hoped that ROE will serve the same political and military purposes in multinational operations as when one nation operates alone.

## **ROE and naval forces**

Military forces operating in the air, on the ground, or at sea understand ROE from different perspectives. The level of understanding needed for land operations differs from the level needed for afloat and air operations. For example, every rifleman on land (or with amphibious forces) needs a clear understanding of ROE, whereas every sailor afloat does not require the same depth of detail. In naval forces the highest ranking officer usually makes the decision to use force. This means ground forces need to train at much lower levels for ROE than naval forces.

Certain attributes of naval forces give ROE particular relevance. First, ships are easier to move, and, because their medium is international waters, their actions are less offensive diplomatically. Naval forces thus can provide a more flexible and potentially lower-key means for political signaling than forces that must be stationed in-country.

Second, naval forces have often been the foremost instrument for the political uses of force.<sup>12</sup> This is as true in the post-World War II era as it was in the days of sailing ships.

Third, because the international "commons" status of the high seas brings naval forces into contact with other navies and nations, naval forces have always operated under international legal restrictions. (For example, long before ROE were developed after World War II, there were rules to protect freedom of navigation and neutral shipping.)

Fourth, ships have always been capital investments—that is, assets that are costly and timely to replace—and therefore high-value targets. Aircraft carriers are heavily defended because if even a single attacker gets through, the aircraft carrier, the air wing, and many lives can be lost. One of the U.S. Navy's ROE during hostilities (crises or wartime) is that an unknown contact, especially aircraft, approaching the aircraft carrier must be able to prove that it is friendly, or at least benign, or else it is assumed to be hostile.<sup>13</sup> With the stakes so high, one can see why nations are so conservative when it comes to depending on others to make ROE decisions.

Finally, even with freedom-of-navigation considerations, naval forces that seek to protect their own waters are logically in a better posture of self-defense than those that seek to manifest sea power in distant waters.<sup>14</sup> In other words, it is much easier to justify use of force with self-defense in coastal defense operations or in defense of national shipping than to justify force in a politically oriented, forward deployment strategy.

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12. Barry Blechman and Stephen Kaplan. *Force Without War: U.S. Armed Forces as a Political Instrument*. Washington, DC: The Brookings Institute, 1978: 39.

13. *Who Goes There: Friend or Foe?*: 35.

14. D. P. O'Connell. *The Influence of Law on Sea Power*. Aylesbury, Bucks, England: Hazell, Watson & Viney, 1975: 173.

## Problems with ROE in multinational operations

The basic principles of ROE discussed above in the section on the purpose of ROE are the same for all members of any multinational operation. In practice, each nation's ROE differ in content and context because there is no standard approach to using ROE. The differences in national ROE can create operational stress, endanger members of the multinational operation, disrupt the solidarity of multinational operations, and threaten mission accomplishment.

### Sources of ROE problems

Differing national approaches to ROE among members of a multinational operation can give rise to a variety of problems. Members of multinational forces have their own national agendas, including use-of-force policies. Countries will tailor their ROE to their particular policies and adapt them to the capabilities of their national forces. If members of a multinational operation cannot agree on common objectives (political and military), achieving the means to those objectives (e.g., ROE) will be more difficult.

Individual members of a multinational operation may have differing constraints on their actions relative to ROE. For example:<sup>15</sup>

- The domestic laws and interpretations of international law governing the use of military force may differ.
- Some countries may qualify their ROE geographically.
- National ROE (mission accomplishment, not self-defense ROE) may change with time and/or circumstances.

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15. Drawn from CNA Annotated Briefing 94-18.



- Because of different political objectives (or restraints), some members of a multinational operation may disagree over the actions required to achieve agreed-on objectives.
- The physical capabilities of certain members also may limit what they can do and affect how they do it.

Even when partners in a multinational operation intend to operate under the same ROE, a variety of problems can occur. For example, despite a long-standing organization and command structure, disagreements over ROE (especially Hostile Intent) within NATO exist.<sup>16</sup> NATO experience suggests that the more definitive the ROE, the more difficult it is to obtain consensus. However, the more general the ROE, the more room there is for interpretation—which can lead to increased risks, precipitate combat, and delays, as field commanders seek additional guidance. Within an ad hoc multinational operation, ROE are likely to be more contentious.

## Types of ROE problems

Some of the problems multinational forces face with ROE are:<sup>17</sup>

- Alignment
- Interpretation
- Comprehension
- Translation.

*Alignment.* Although military commanders from all multinational partners may agree on the appropriate ROE action, they may not all have the particular ROE available to them from their national authorities at the same time. National differences in ROE formulation and promulgation can cause this problem because the ROE relationships and responsibilities (who makes the decision, drafts the ROE, etc.) can differ greatly from country to country. Application of ROE always involves the judgment of the person making the decision to use force.

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16. CNA Research Memorandum 93-211, pages 53-54.

17. Expanded from CNA Annotated Briefing 94-18.

Who makes that decision is a major operational difference among the members of a multinational operation. In some countries the commander on the scene can make that decision. In others, this is restricted to higher levels in the military chain of command. For still others, this decision is made by political authorities.

The command and control arrangements for changing ROE are important for determining the speed with which they can be changed. If the on-scene commander must call his national authorities for every decision, the process is slowed down by communication time lags and by time spent in political deliberations. If the on-scene forces of one partner have to request everything back from its national government, the coordination, timing, and readiness of the multinational operation would be adversely affected.

*Interpretation.* Countries vary significantly in their interpretation, and hence implementation, of the same ROE. (The best example of this is with Hostile Intent.) Different partners can interpret ROE according to assumptions that may differ from those of other members of the multinational operation. For example, partners may have different information available to them. Inconsistent interpretation is a universal problem, possibly made more complex by different cultures and training. Cultural differences can cause interpretation problems, even when participants use the same language.

*Comprehension.* Ignorance (or lack of comprehension) of ROE can take two forms. First, less developed countries that are multinational force partners might lack knowledge and education on ROE *en toto*. Or some members of a multinational force might be unfamiliar with the content and context of particular ROE, or specific ROE approaches, and therefore might be tentative in implementation. This could lead to hesitation in making decisions and possibly to incorrect judgments. The second form of ignorance is lack of knowledge or education as to how the ROE of different nations differ.

Comprehension is a readiness problem. Familiarity with ROE through regular training and operational experience is vital, because deciding whether to use force and what force to use is ultimately a subjective choice.

*Translation.* Members of a multinational operation may not fully understand the language in which multinational force ROE are issued. Translation problems can occur regardless of whether a universal set of ROE is used by the entire multinational force, or a set of common mission accomplishment ROE is use for specific tasks, or individual members share the national ROE with other partners. Language problems are likely to increase in urgent situations, because in such situations verbal requests for ROE changes and amendments are common.

Ultimately, successful implementation of ROE demands tremendous discipline and sound judgment on the part of the person making the use-of-force decision. Even if definite conditions are specified, determining when those conditions exist can often be ambiguous (e.g., Hostile Intent). The application of ROE thus requires good judgment. The culture of each member of a multinational operation will greatly influence its judgment.

## **Self-defense ROE**

The greatest differences between national ROE (and, therefore, the area with the biggest potential for problems) revolve around self-defense ROE. Although most countries agree on ROE with respect to a Hostile Act, the decisions of whether and how to act on Hostile Intent are the major stumbling blocks for multinational operations. Nations may also have different interpretations of the boundary between Hostile Act and Hostile Intent.

The source of contention with Hostile Intent is the question of what circumstances make it appropriate to use force (to shoot). Of course, "to shoot" could mean delivering lethal shots, disabling shots, or warning shots. One member of the multinational operation may view another's ROE as shooting too soon and, thereby, acting aggressively, precipitating a conflict, and/or risking engagement of an innocent. The counter is that some member's ROE authorize shooting too late

and, thereby, risk taking the first hit and suffering physical and/or human losses. Both shooting too soon and shooting too late can affect mission success. The problem is determining when one member's ROE are more or less permissive than another's ROE.

Another problem in multinational operations, which relates to Hostile Act and Hostile Intent, is hostile force declarations.<sup>18</sup> For example, U.S. policy gives operational commanders (at the appropriate level) the authority to declare the forces of a nation hostile after a unit from that nation has demonstrated hostilities. This means "U.S. units need not observe a Hostile Act or demonstration of Hostile Intent before engaging that force."<sup>19</sup> All of the members of a multinational force would need to know and understand what the hostile force declaration means well in advance of such a declaration being made—especially if such a hostile force declaration is made by "a coalition leader." Each member of the multinational force needs to know in advance whether other partners intend to:

- Trust and go along with the judgment of the member making the hostile force declaration.
- Call their national government for a decision on whether to go along with hostile force declaration.
- Be prepared to withdraw from the multinational force (i.e., go along with the hostile force declaration) and either go home or make other arrangements (e.g., stationing).

It is important for the common good of the multinational force that each member knows what another member would do in such a case, so problems can be planned for and the complete impact of the hostile force declaration can be assessed. Other members of a multinational force may have similar declarations or authorities that should be shared beforehand.

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18. Chairman of the Joint Chiefs of Staff. *Standing Rules of Engagement for U.S. Forces: Enclosure A*. CJCSI 3121.01, Unclassified. 1 October 1994: A-5, A-6.

19. Ibid.

## Consequences of ROE problems

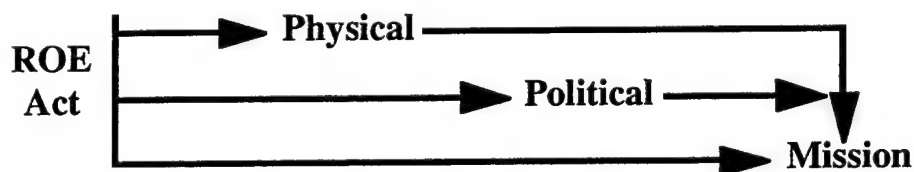
Differences in national ROE could result in either someone in the multinational operation taking the first hit unnecessarily or someone in the multinational operation shooting prematurely.

The consequences can be divided into three types: physical (damage to operating units); political (loss of domestic or international support); and, ultimately, mission (e.g., collapse of the multinational force, or failure of a partner to perform needed tasks).

As shown in figure 1, these consequences of ROE differences are interrelated in the following manner:<sup>20</sup>

- *Physical consequences* are immediate, but they can have political repercussions, and the loss of assets could directly limit the ability of the multinational force to carry out its mission(s).
- *Political consequences* affect the multinational force's standing at home and abroad, and could directly affect a multinational force's ability to sustain support for the mission.
- *Mission consequences*, or failure to perform the necessary tasks, could directly threaten the success of the multinational force's mission(s). An inability to agree on the necessary tasks can prevent the multinational operation from undertaking a mission in the first place.

Figure 1. Consequences of differences in ROE



20. Drawn from CNA Annotated Briefing 94-18.

## Procedures for ROE interoperability

Unfortunately, total agreement on ROE in multinational operations is difficult. This is because nations are not willing to relinquish command of their forces to other countries. The use-of-force policies embodied in ROE are political decisions and involve issues of sovereignty.

What can be done in advance to minimize the problems and maximize ROE interoperability in multinational operations? There are several options for ROE interoperability, all of which should be determined and planned for in advance of real-world operations. First, some or all members of the multinational operation use the same ROE—that is, an agreed-upon universal set of ROE (including self-defense ROE). Second, some or all members of the multinational operation use common mission-accomplishment ROE (i.e., supplemental measures, but not self-defense ROE). Third, each partner is made aware of the differences between their national ROE and those of the other members of the multinational force, which means partners should look for ways to release their national ROE (to the extent possible). Fourth, individual members of a multinational operation can be stationed to take advantage of their ROE strengths or weaknesses. Fifth, training, exercises, wargames, and staff talks provide forums where ROE differences can be discussed and practised. Finally, technology upgrades may be needed to ensure that all members of the multinational operation have the required weapons systems, communication equipment, etc., to adequately perform their ROE roles.

### Universal ROE

The first option for ROE interoperability is a universal and centralized set of ROE (including self-defense ROE) from which to plan and operate. This could be the result of adopting elements from

preexisting ROE. For example, the multinational force operating in the Adriatic has been using ROE based on NATO's maritime ROE, and the ROE for the multinational operations in Somalia were largely adapted from U.S. peacetime ROE.

There have been suggestions for the United Nations to provide ROE.<sup>21</sup> The United Nations has promulgated ROE for various Blue Helmet operations, ghost written by countries such as Canada. The problem with the United Nations issuing ROE is that all nations participating in the multinational operation have to agree on the ROE. Further, the United Nations doesn't yet have a centralized authority to manage the implementation.

In principle, NATO ROE, an existing multinational ROE system, could be released to all nations (if the political authorities of the member states agree to this, which is very difficult). For example, in Desert Shield/Desert Storm there was selective release of NATO maritime ROE for non-NATO members. NATO is looking for ways to share its maritime ROE with the Partnership For Peace countries.

However, NATO ROE as they exist today are not a panacea for the ROE problems of a multinational operation. The foremost reason is that NATO never solved the cardinal problem of Hostile Intent.<sup>22</sup> Individual members of NATO revert to their own national ROE if they feel NATO doesn't provide the same ability to act in self-defense as their national ROE. And, NATO ROE were written for and by navies from a Western European cultural base. Furthermore, these navies are advanced by world standards, as is their operational military law. They know the problems of ROE incompatibility and have been working with these problems for decades. The need for ROE interoperability is greater for nontraditional multinational operation partners (such as Russia, Argentina, India, and the GCC states).

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21. CNA Occasional Paper, *Multinational Naval Cooperation in a Changing World: A Report on the Greenwich Conference*, by Jeffrey I. Sands and Captain Gordon A.S.C. Wilson (RN), Unclassified, October 1992.

22. CNA Research Memorandum 93-211.

Even if a universal set of ROE is agreed upon and set in motion, it has been and will continue to be the case that individual members of multinational operation will revert to their national ROE if they view the ROE of the multinational operation as impairing the ability of their units to defend themselves.<sup>23</sup> A universal set of ROE would likely include individual partners allowing their forces to work under the operational control (OPCON) of a multinational command structure. If the circumstances require, members of a multinational operation will revert to their own national OPCON when political and military circumstances dictate (which includes national ROE).<sup>24</sup> Therefore, any ROE developed for a multinational operation should be viewed not as substitutes for national ROE (especially regarding self-defense issues), but as complements to national ROE.

## Common mission-accomplishment ROE

A universal set of ROE, though desirable, may be infeasible at this stage because of individual national reservations and operational concerns. Reaching agreement, which can be hard enough at the national level, is infinitely more difficult for multinational forces because more factors and different political and cultural perspectives come into play. The biggest obstacle to a universal set of multinational ROE is the lack of a universally accepted international definition of Hostile Intent (and, to a lesser extent, Hostile Act).<sup>25</sup>

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23. This is clearly stated in the unclassified section of U.S. Standing Rules of Engagement (SROE). See *Standing Rules of Engagement for U.S. Forces: Enclosure A*. CJCSI 3121.01, Unclassified: A-1.

24. Ibid.

25. The following is a practical (but unofficial) multinational definition of when use of force is allowed in self-defense: (1) in the protection of a soldier's own life, the lives of friendly forces (e.g., all members of a multinational operation), the lives entrusted to his care, his post, his convoy, his vehicle or rifle; (2) where persons are attempting to prevent the force from carrying out its mandate, e.g., delivering aid. See "Rules of Engagement Within Multinational Operations," A.S. Paphiti, Lt. Col., Royal Army, Unpublished, 8 June 1994.



A possible work-around to the lack of consensus on Hostile Intent would be to separate self-defense ROE (e.g., Hostile Act, Hostile Intent, and Hostile Force definitions) from mission-accomplishment ROE (i.e., supplemental measures). Removing the main area of contention over ROE (i.e., Hostile Intent) might allow multinational operations to be coordinated under common supplemental measures designed for specific missions and tasks. A common set of supplemental measures allows for uniform actions and understanding of what is expected in performing specific tasks. This breakout recognizes and respects each nation's prerogative to determine its own self-defense policies and actions.

The common supplemental-measure document for the multinational operation should state clearly and early on that the supplemental measures do not limit any member's (including unit's and individual's) right to use any necessary means of self-defense. Rather, these measures allow different nations to participate in a common ROE scheme for a multinational operation to achieve specific tasks and perform specific missions.

For example, consider the different interpretations of the term "warning fire" in maritime interception operations (MIO). As discovered in Desert Shield/Desert Storm, agreeing to warning fire did not mean that there was precise coordination. To the United States, warning fire meant across the bow. To the British it included shots through the funnel. To the French it included a shot through the pilot house. A common set of mission accomplishment ROE would alleviate the confusion and misalignment this example shows. Appendix B provides an example of possible supplemental measures for common mission-accomplishment ROE in maritime interception operations.

When developing this common set of mission-accomplishment supplemental measures the authors should consider that:

- The measures developed should be clear, concise, and tactically realistic.
- The measures must be understood, remembered, applied, and reinforced by all members of the multinational operation.

- This means personnel in a multinational operation need regular and realistic training in the common supplemental measures.
- This also means the common supplemental measures should be simple (but not simplistic) to minimize training difficulties and troop frustration.
- The transition period from multiple separate national ROE systems to the common system of multinational supplemental measures must be clearly established (and practiced). The transition period back to separate national ROE is equally important.
- Foremost, the supplemental measures should provide the on-scene commander the sort of authority required to successfully accomplish the mission.

Because ROE are complex and constantly changing in response to political needs and the situation, no standing set of supplemental measures will be sufficient for every situation. The common mission-accomplishment ROE system needs to be flexible and adaptable. So the supplemental measures have to be able to be revised and rewritten for each operation and as circumstances during the mission evolution dictate.

Again, even if a common set of mission-accomplishment ROE is implemented, individual members of a multinational operation reserve the right to withdraw (i.e., revert to national ROE). This is most likely to happen over self-defense ROE issues.

## Releasable national ROE

It would be useful to have a common set of universal ROE (including self-defense ROE) or mission-accomplishment ROE (supplemental measures, but not including self-defense ROE) used in a multinational operation. However, as was just discussed, these options are complicated. Currently, the more plausible option for multinational operations is to strive for the maximization of *transparency* in the different national ROEs. Transparency requires openness, which means

partners in a multinational operation must share at least some information on their national ROE.

To minimize the risks of ROE incompatibility, a member of a multinational operation should know what the other members' national ROE allow or don't allow them to do. Only with this knowledge can the risks be determined and plans be made to minimize these risks. Transparency should be established early in the operation, and preferably in advance.

The primary goal in this releasable ROE effort is to establish a common understanding of what constitutes Hostile Acts and, especially, Hostile Intent. The information that needs to get shared is what each partner would do when faced with specific situations. It is not necessary for everyone to have the same definitions (e.g., of Hostile Intent), so long as members of a multinational operation know what their partners intend to do and can assess the implications.

Each country interested in participating in a multinational operation should look at what elements of its ROE could be released and declassified to its multinational force partners. The release could take the form of preexisting documentation detailing and clarifying national ROE definitions for multinational operations. The United States has started this process with its SROE, published in October 1994.<sup>26</sup> The opening pages of the SROE provide unclassified explanations and definitions of U.S. ROE that can be shared with other countries (under appropriate conditions, by an approved authority). The benefits of declassifying and widely disseminating basic ROE interpretations in a multinational operation outweigh the perceived advantage of continuing to keep the ROE classified and unreleasable.

Further, unclassified sections of a member's national ROE go a long way to increasing the common understanding of that member's ROE. In particular circumstances and with appropriate authority, the U.S. Navy on-the-scene disseminates unclassified U.S. ROE extracts on the scene, appropriately relabeled and with the individual numerical designations removed to solve releasability problems. This is called "put-

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26. *Standing Rules of Engagement for U.S. Forces*. CJCSI 3121.01, Unclassified.

ting the ROE in plain language,” and is conducted by the legal officer on the scene with the approval of the appropriate higher authority. It would be easier if the “plain language” work and approval process were done before multinational operations begin. Determining in advance what can be released and unclassified to a particular multinational force partner saves time and ensures that what the U.S. Navy is releasing is consistent in each situation.

Regarding self-defense ROE, it is imperative for planning and safety reasons that members of a multinational operation are informed, preferably in advance, of ROE actions a member may take or not take, so the multinational force can plan accordingly. “Swapping” of ROE by on-scene commanders (with the appropriate authority) has been the main solution for dealing with ROE differences. However, this is an ad hoc process, and the level of trust involved may not be the same when operating with nontraditional members of a multinational operation (e.g., India, Russia).

Actually, the need for transparency is greater among navies that do not operate (or train) traditionally with each other or have not done so. Major Western navies, who operate regularly, know the operating difficulties their different national ROE may create. But future multinational forces of the willing are not necessarily going to be limited to nations whose philosophies are known to each other.

The goal of releasable ROE is transparency. In no way when a country releases its ROE to a partner in a multinational operation is it giving that multinational partner any approval authority over its national ROE (especially self-defense ROE). Transparency can be achieved through activities such as exercises, staff talks, wargames, and joint training.

## Stationing

Multinational forces can decrease ROE problems by separating the members of a multinational force geographically and/or by mission. Stationing takes account of limitations national ROE may present. Unlike the other interoperability procedures described, stationing

does not always require advanced coordination. In fact, this interoperability procedure can buy time and provide an interim solution.

The assignment of mission or geographic stationing should be appropriate to each multinational force partner's capability and ROE. No members of a multinational force should be placed in situations where, because of their ROE and/or capabilities, they cannot appropriately respond (and thereby, endanger their units, friendly forces, or mission success).

How different national forces would be stationed in a multinational operation depends on the following considerations:

- The member's national political will and interest in the operation.
- The risks and level of exposure to the threat. (Of course this depends on the opposing unit's capability and readiness to inflict damage as foretold in indications and warnings.)
- The partner's defensive capabilities, e.g., ability to detect and respond to the perceived threat.
- What the partner's national ROE allow or don't allow.

The idea here is centralized planning and decentralized execution, to account for differences in national ROE. Thus, for example, members of the multinational operation with restrictive ROE (e.g., a conservative interpretation of Hostile Intent) can be stationed away from situations where they may be endangered. Even though units of this nation may make no use-of-force decision, they may well receive the retribution for another multinational force member's action because it is not able to respond. Depending on the lethality of the threat, those partners with conservative ROE should be integrated to extend better self-defense coverage. Stationing also keeps nations with more liberal ROE from doing something that affects the entire multinational operation.

## Training, exercises, and wargames

Regardless of whether potential members of a multinational operations will use a universal set of ROE, a set of common mission-accomplishment ROE, or individual national ROE, it is imperative for them to train with realistic ROE.<sup>27</sup> Also, those nations that don't traditionally operate multinationally or have less advanced ROE systems need instruction in advance from potential leaders of a multinational operation (e.g., using U.S. or NATO ROE). Regular ROE training among potential partners in a multinational operation would go a long way to communicating how different partners interpret and operationalize ROE.

It is essential that the ROE training be realistic, so the different national forces do not arrive on the scene and become uncomfortable or uncertain about self-defense issues. ROE training should take place regardless of the degree of command integration or the relative capabilities of members of the multinational operation.

## Technology upgrades

Even if different members of a multinational operation share the same ROE or share certain aspects of ROE, how they deal with a demonstrated ROE incident will depend in part on their technological capabilities. A small coastal naval force with poor communications and older weapon systems require different ROE than a large naval force with advanced communications and weapon systems.<sup>28</sup> Technology determines how far off a target can be detected and engaged, and therefore how much time the person making the engagement decision has to decide.<sup>29</sup>

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27. Examples of multinational exercises where ROE has been or can be played include UNITAS, RIMPAC, BALTOPS, CARAT, and Triple Trust. There are other venues exist where multinational ROE should be discussed: the International Seapower Symposium, the Inter-American Naval Symposium, and the Western Pacific Naval Symposium.

28. Bennett and MacDonald, "Coalition Rules of Engagement": 125

29. Ibid.

If the multinational force develops a common set of mission-accomplishment supplemental measures, individual members must have the capabilities to do what they are permitted or required to do.<sup>30</sup>

For example, if a member of a multinational force does not have the radar detection capability to detect the Hostile Intent incident, that member (and other members as well) may take an unnecessary first hit. Likewise, if a member does not have weapon systems with either significant accuracy and/or range to counter a Hostile Act, members of the multinational force may take the first hit unnecessarily.

Such "weakest link" problems can be dealt with in several ways. First, members of the multinational force with more advanced capabilities may assume these functions and responsibilities for those with less advanced capabilities. Regular communications between members of the multinational force could also alleviate some of the problems associated with lack of a detection capability. However, time and other mission demands may not allow this to happen. Another option would be for the more advanced members to provide the less developed members with weapon systems, technology, and training to allow them to perform these functions themselves.

A possible way to upgrade capability would be to assess the minimum capabilities needed to counter the expected threat. Then resources could be allocated in such a way as to minimize the dangers posed by the lack of capabilities of some members of the multinational force. The multinational force should also weigh the opportunity costs and legal requirements of such technology upgrades.

Each partner in a multinational force must have the necessary communication equipment to link up with its multinational partners—or whoever needs to be communicated with (e.g., neutral merchant shipping, civilians). If one multinational force member has highly advanced communication equipment, but others do not, it does not matter much if they share universal or common ROE—they can't share indications and warning data and other ROE information.

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30. See the "Universal ROE" section.

Communications interoperability requires that multinational force partners have the minimum communications capability necessary for effective voice communications and tactical situational data links with the least capable partner. Because adequate communications are so important for effective multinational operations, especially ROE coordination, it may be necessary for advanced multinational force members to supply less advanced members of a multinational force with appropriate communications equipment.



## Communicating ROE information

Regardless of whether a universal set of ROE, a common mission-accomplishment ROE, or individual national ROE is used the multinational force must establish effective means for communicating ROE information, understandings, and intentions. This is because as has been discussed earlier, individual members of a multinational operation always have the right to revert to their own national ROE. Communicating ROE information has some similarities with ability of ROE, but is broader because it conveys policy, commanders' intention, and possible ROE actions (which is all the more crucial when releasable national ROE is not feasible).

Communicating ROE information is particularly important if the ROE employ a phased approach. In such cases, even if the national or common multinational force ROE are the same, all players need to be aware of what phase has been reached. An important requirement is for all involved players in an operation to escalate ROE together. This can be time consuming, especially if separate national chains of command are involved.

## Types of ROE information

Each multinational operation will be situation-specific. However, the ROE information that the members of the multinational force need to share is relatively basic. The following are some examples:

- What ROE authority does each partner's on-scene commander have?
  - How are ROE amendments and changes requested? How are they promulgated? (How long does this process take?)
- What are each partner's political and military objectives with the particular situation? (How and why can these change?)

- What is each partner's "commander's intent"?
- Under what operational restraints is each partner working?
  - How does each partner's ROE interpret Hostile Intent? (And how do they interpret necessity, proportionality, immediate pursuit, etc.?)
  - What is each partner's acceptable "degree of risk?" (e.g., with reference to Hostile Intent, will he take the first hit?)
- What is each partner's on-scene commander's authority to release ROE to other multinational force partners? (What mechanisms exist to do that?)

## Means of communicating ROE information

### Liaison officers

Exchanging staff officers and the consequent face-to-face sharing of information has traditionally gone a long way toward deconflicting ROE differences. Because they are familiar with their national ROE operations and issues, liaison officers convey and interpret national communications so that the partners in a multinational operation are at all times aware of their nation's intentions. Liaison officers act as a control link rather than a command link. The willingness to exchange officers can help signal an interest in the physical safety of other partners in a multinational operation in a way that supports, though is different from, general agreements or understandings. Liaison officers also can ease procedural differences in operations among naval forces and between navies and air forces.

### Command and coordination centers

At a higher level, a multinational force could establish a multinational command center for the liaison officers. The command center would be the conduit for all intelligence (e.g., indications and warnings), national ROE interpretations and information, and self-defense-related issues and actions. The command center, or whatever coordination structure is used, could meet regularly to review ROE issues and operations. It could also facilitate coordinating of ROE

requests from the separate chains of command of the different partners.

## **Shared intelligence information**

One difficulty in determining when to use force in the face of Hostile Intent is that only a low level of information is available. Intelligence resources help determine which opposing units are threatening and which are benign. Intelligence sharing, critical to determining when to use force, is important to ensure that different ROE are aligned not only in principle but also in practice. Members of multinational operations need to share intelligence if they are all to react to the same threat environment in an acceptable way (but not necessarily an identical way). Yet the releasability of intelligence can vary considerably, depending on the participating countries. Ultimately, sharing intelligence information gives everyone the same situational awareness.

## **Harmonized ROE messages**

Harmonized ROE messages are systematic means to organize and transmit basic ROE information between members of a multinational force. Their purpose is twofold:

- To minimize the surprise and associated risks caused by differences in national ROE
- To maximize the information flow (and associated interoperability) between members of the multinational operation.

Harmonized ROE messages could reduce the risks of ROE incompatibility and increase the cohesion of a multinational operation through uniform situational awareness. The following are four suggested harmonized ROE messages.

*Common political policy.* A common political policy could be broadcast to all members of a multinational force; it would set out guidance on policy and intentions to assist each national commander's ability to plan and react coherently. An example of a possible common political policy message would be:

- De-escalate

- Maintain status quo
- Escalate.

*Common military policy.* Another type of harmonized ROE message could be a common military policy. The policy would set out a clearly defined mission statement discussing the mutually agreed-upon end state (e.g., when is the mission accomplished) and prioritizing the specific tasks.

The above possibilities would be common policy statements sent to and agreed upon by all members of the multinational force. The policy statements would establish the tone of the multinational operation. The members of the multinational force need also to share information on the status of their national ROE.

*Threat warning state.* A threat warning state could set out the best assessment of the probability of hostilities. The assessment would be promulgated by the member(s) of the multinational force (or group of members) with the best intelligence resources. It would not have to reveal specific tactical intelligence (or sources), just estimates of how likely hostilities are.

The threat warning states could transmit, for example,

- Hostilities unlikely
- Hostilities likely
- Hostilities imminent.

These three conditions describe the spectrum of hostilities from the absence of a threat to Hostile Intent (the main ROE source of contention in multinational operations) as the leading member(s) of the multinational operation (*de facto* or *de jure*) view the threat environment.

*National escalatory status report.* A national escalatory status report would be a broadcast message concerning the level and intensity of force each partner (or group of partners under the same ROE and OPCODE) will or might employ. The following is the information that a member of a multinational force could send to its partners:

- Use of force prohibited
- Designated nonlethal use of force permitted (e.g., fire warning shots)
- Use of lethal force permitted.

The key to this report is that the individual member of the multinational force is telling its partner what it can do and can't do (generically), but not specifically what it is going to do or how it is going to do it. The national escalatory status report would be available to members of the multinational force that may have animosity toward each other, so sensitive information should not be transmitted, at least not in such a widely broadcast manner. Also, before this generic information is transmitted, the multinational forces must consider how to plan for ROE differences.

It is important to remember that the threat warning state and the national escalatory status report are not a universal set of ROE that members of a multinational operation would use together. The messages do not tell individual members what to do or how to do it. They are two means of informing the other members of the multinational operation how an individual member interprets the threat (i.e., possibility of hostilities) and how that member will react in a very broad sense (without revealing tactical intentions). The decision of whether or how to act in self-defense (e.g., if Hostile Intent has been demonstrated) is still made by the individual member according to its own national ROE (unless a universal set of ROE is agreed upon). These messages are useful for coordinating the plans and actions of the multinational force. They ensure that no member of the multinational force is caught unaware because of another member's ROE action.

## Conclusions and recommendations

During Desert Shield/Desert Storm, ROE had to be designed and shared among the members of a multinational force, some of whom were former enemies. The chief lesson learned from Desert Shield/Desert Storm is that as the world changes and different countries adjust to their changing defense policies and missions, ROE need to adapt to the interdependent security environment. However, the principal function of ROE, to use military force only in a justifiable manner (whether by individual countries or a multinational force), is immutable and crucial for legal justification, political legitimacy, and operational success.

The key to effective multinational operations is to get the individual members working together and, as much as possible, as a unified force. As we mentioned several times before, it is in the common interest of a multinational operation not to have the operation's members break up because one of them unnecessarily takes the first hit or shoots first.

This paper suggests steps that could foster ROE interoperability and that should be taken in advance of real-world contingencies. While following these suggestions will not guarantee mission success, ignoring the problem could invite mission failure.<sup>31</sup> Potential partners of a multinational operation could:

- Develop a universal set of ROE (including self-defense ROE).
- Develop common mission-accomplishment ROE (i.e., supplemental measures, but not self-defense ROE).
- Look for ways to release parts of their declassified national ROE to their multinational partners.

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31. Drew and MacDonald, "Coalition Rules of Engagement": 125.

- Look for ways to release parts of their declassified national ROE to their multinational partners.
- Make the differences between their national ROE and those of the rest of the multinational force transparent. This means finding ways to share ROE information (e.g., liaison officers, intelligence sharing, harmonized ROE messages) preferably in advance of actual operations.
- Use stationing and technology upgrades to plan around differences in national ROE and ensure mission and unit safety.

Finally, all multinational operations should train and exercise ROE (whether using individual national ROEs, common mission-accomplishment ROE, or a universal set of ROE) before and during multinational operations to minimize the effect of differences in ROE. These recommendations are not mutually exclusive. They all have limitations; there is no perfect answer.

## Appendix A: Legal basis of ROE

ROE draw legitimacy from the authority of international and domestic law.<sup>19</sup> These legal principles provide the justification for the use of force and the degree to which force is applied. Domestic law affects how militaries are organized and equipped, where they may operate, and even how they are employed.<sup>20</sup>

These legal principles provide the justification for the use of force and the degree to which force is applied. The roots of ROE in international law can be found in long-accepted Christian and Western values. The antecedents of the Law of War, LOAC, and ROE were the *bellum justum* (just war) theories dating back to St. Augustine and St. Thomas Aquinas.<sup>21</sup> Self-defense—that is, self-preservation—whether for a nation or individual, has been an accepted tenet of international law since the time of Hugo Grotius in the 1650s.

The set of laws that govern ROE are the laws, agreements, and customary practices of nations that restrain the use of force and war in international society. In peacetime, the foundation of ROE is derived from the right of self-defense—Article 51—and the outlawing of aggressive warfare—Article 2(4)—embodied in the United Nations

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19. This appendix shows why and how ROE are derived from international law for those nations that do not have a standard document like the U.S. Navy's *The Commander's Handbook on the Law of Naval Operations*.

20. Bennett and MacDonald, "Coalition Rules of Engagement": 124.

21. Horace Robertson, RADM, JAGC, USN (retired). "Contemporary International Law Relevant to Today's World." *Naval War College Review*. Summer 1992: 92.



Charter. The series of international treaties that form LOAC provide the primary legal source for ROE during war or prolonged conflict.<sup>22</sup>

## United Nations Charter

The United Nations Charter is, for peacetime ROE, the authoritative statement on the use of force. ROE represent a nation's (or multinational operation's) commitment to the United Nations Charter and international law. Article 2(4) of the United Nations Charter outlaws aggressive warfare. It reads:

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the UN.<sup>23</sup>

Although aggressive warfare is illegal, Article 51 of the United Nations Charter recognized the "natural" and "inherent" right of self-defense. The concept of self-defense existed long before the United Nations Charter, which merely imposed a comprehensive ban on the use of force except in self-defense. Use of force in self-defense would be justified:

- To protect a nation's forces, citizens, territory, and property from attack or the threat of attack. (This can be expanded to include all the members of a multinational operation.)
- To preserve a nation's vital security and economic interests. (Again this can be expanded to include members of a multinational operation.)

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22. Other laws and international treaties, such as the Law of the Sea (UNCLOS III), unique to the international status of the high seas, could have some bearing on ROE for naval forces. However, because ROE deal almost exclusively with the use of force, the United Nations Charter and LOAC are the most important legal considerations discussed in this paper.

23. Louis Henkin et al. *Right Versus Might*. Second Edition. New York: Council on Foreign Relations Press, 1991: 38.

- To assist allies in collective self-defense. (Alliance is a highly coordinated form of multinational operations.)
- Only when no viable alternative to the use of force exists.

Article 51 of the United Nations Charter also puts further restrictions on the right of self-defense by introducing a time element. Nations have the right to resort to force only until the United Nations Security Council takes action against the aggressor, for example, for collective self-defense. Further, reprisals or punishments for acts already committed are usually not justified.<sup>24</sup>

The United Nations Charter reflected the widespread abhorrence of war prevalent at the end of World War II. The United Nations Charter remains a mechanism to preserve the peaceful status quo prevailing at the end of that war.<sup>25</sup>

## Law of armed conflict

The LOAC as it exists today evolved from a series of international agreements and treaties, including: the Russia & U.S. Treaty Respecting the Rights of Neutrals, in 1854; the Declaration of St. Petersburg, in 1864; the Hague Conventions of 1899, 1907 (IV, V, VIII, IX, XI, XIII), and 1954; the Geneva Conventions of 1925, 1929, and 1949 (I, II, III, IV, Additional Protocol II); the Gas Protocol, 1925; the 1928 Kellogg-Briand Peace Pact; the London Protocol of 1936; the Biological Weapons Convention of 1972; and the Conventional Weapons Convention of 1980.<sup>26</sup> The dominant theme of these treaties is to declare war illegal as an instrument of national policy.

It is important to remember that because ROE serve the political-military purposes of national (and, when applicable, multinational)

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24. *The Commander's Handbook on the Law of Naval Operations*. NWP 9 (Rev. A), Unclassified, Oct 1989: 6-3.

25. Henkin et al. *Right Versus Might*: 52.

26. *The Commander's Handbook on the Law of Naval Operations*.

operations, they are not the same as LOAC. As the current U.S. *Commander's Handbook on the Law of Naval Operations* states:

The Law of Armed Conflict provides the legal framework within which U.S. ROE are formulated. Because ROE also reflect operational, political, and diplomatic factors, they often restrict combat operations far more than the requirements of international law.<sup>27</sup>

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27. *Ibid.* 5-3, 5-4.

## **Appendix B: Example of common mission-accomplishment ROE**

A common set of "supplemental measures," divorced from self-defense ROE, would facilitate the accomplishment of specific tasks for the specific mission. First, the common measures need a common message format for requests, authorizations, and implementation statements. That format would include:

- A description of the desired measures to be authorized (drawn for the common list of supplemental measures). This would include duration or conditions necessitating changes in the supplemental measure.
- Justification for the requested supplemental measures.
- Updates on previous supplemental measures canceled or remaining in force.

To develop a common set of supplemental measures, especially in such a way as to allow for contingency changes, the multinational force needs an approval process (i.e., someone or some group representing higher authority). (Higher authority, of course, makes political as well as military decisions.) Also, just as with individual national ROE, not every conceivable supplemental measure would be covered in the supplemental measures list prepared for the multinational operation. The on-scene commander of the multinational force needs the means to design and request additional supplemental measures in light of changing circumstances.

Consider, for example, the different interpretations of the term "warning fire" in maritime interception operations (MIO). As discovered in Desert Shield/Desert Storm, agreeing to use warning fire did not mean that there was precise coordination. To the United States, warning fire meant across the bow. To the British it meant shots

through the funnel. To the French it meant a shot through the pilot house.

A common set of mission accomplishment ROE would alleviate the confusion and misalignment this example shows. Under the common supplemental measures, "warning fire" would clearly state "across the bow" (or whatever the agreed-upon action is). So all members of a multinational operation performing a MIO would shoot across the bow (a uniform action) when this ROE is issued.<sup>27</sup>

The following is an example of a set of common supplemental measures for a multinational force conducting an MIO:<sup>28</sup>

#### Baseline Supplemental Measures

- Warn merchant shipping of interception operation and area of interception.
- Conduct surveillance of interception area by all means possible.
- Military forces from (target country) trespassing beyond the limit of the designated interception operation are to be:
  - Observed and reported (Do not approach designated targets closer than....)
  - Warned that they may face engagement
  - Ejected or disarmed using appropriate force.

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27. The U.S. Fifth Fleet has already designed (or inherited) an unclassified and releasable set of MIO ROE to help all multinational members of the Maritime Interception Force in the Persian Gulf.

28. The following supplemental measures are purely illustrative. The format and substance are based on: Bruce D. Berkowitz, "Rules of Engagement for U.N. Peacekeeping Forces in Bosnia," *Orbis*, Fall 1994: 635-646; *RUKUS-95 Wargame Rules of Engagement*, Naval Academy of the Russian Federation, Unclassified, 1995: 20; *Triple Trust Rules of Engagement*, Maritime Tactical School (Royal Navy), Unclassified, 4-5 May 1995; and, *Maritime Interception Operations Doctrine*, Naval Doctrine Command, Unclassified, Unpublished, 1995.

- Entry into designated territorial seas or internal waters/airspace is:
  - Forbidden
  - Permitted.

#### Boarding and Searching

- Determine whether the merchant vessel is carrying goods designated as military contraband.
- Action to cause designated merchant ship to heave to and submit to boarding is permitted.
  - Searchlights and aircraft lights may be used to harass designated merchant vessel.
  - Flying directly toward and overhead designated merchant vessels at low level (buzzing) is:
    - Forbidden
    - Permitted.
- Warning shot
  - Fire blank ammunition.
  - Fire designated live ammunition (e.g., 30-mm caliber or less) “across the bow” at a specified distance from the merchant ship.
- Disabling shot
  - Firing of designated live ammunition (e.g., 30-mm caliber) into the rudder of the merchant vessel is permitted.
- Action to board and search vessels, which does not endanger life, is permitted.

- Action to board and search vessels, which might endanger life, is permitted.
  - Search/board parties are:
    - Not to be armed
    - To be armed.
- Survey and identify designated unit's crew and passengers.

Diversion of merchant ships

- Direct designated merchant vessel to retire from the interception area.
- Escort designated merchant vessel to nearest port.
- Seize designated cargo.
- Detain crew of designated merchant ship.

Spare supplemental measures

Finally, if a member of a multinational operation is expected or required to take some action in accordance with the common supplemental measures, he should have the capability to do so (see the section on technology upgrades in the main text).

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